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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 MARCIANO PLATA, et al.,

13 *Plaintiffs,*

14 v.

15 ARNOLD SCHWARZENEGGER, et al.,

16 *Defendants.*
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Case No. C01-1351 TEH

**RECEIVER'S 90-DAY REPORT RE
RECEIVER'S CAREER EXECUTIVE
ASSIGNMENTS**

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EXHIBITS 1 & 2

I.**INTRODUCTION**

In the Order Adopting August 20, 2007 Stipulation between Receiver and State Personnel Board, filed on September 11, 2007 ("Order Adopting Stipulation"), the Court authorized the Receiver to proceed with a pilot program regarding the medical executive/administrator hiring programs. (*See* Order Adopting Stipulation at p. 4:13-18). The Order Re Receiver's Motion for Waiver of State Law Re Receiver Career Executive Assignments, filed on July 3, 2007 ("Order Re Receiver's Motion for Waiver of State Law") instructed the Receiver to file two status reports regarding this project within 90 and 180 days (*see* Order Re Receiver's Motion for Waiver of State Law at p.10:21-24) and to provide, to the extent available, information concerning the Receiver's Career Executive Assignment ("RCEA") job qualification requirements, duty statements, and organizational structure for the proposed RCEA positions. (*Id.*). On December 10, 2007, the Receiver filed an Application for Extension of Time to File Report Re Receiver's Career Executive Assignments, and on December 12, 2007, the Court granted the Receiver's application and allowed the Receiver until December 21, 2007 to file his report concerning the executive/administrative hiring programs.

This report is the Receiver's first report regarding the Receiver's executive/administrative hiring programs and addresses progress regarding: (1) Nursing Executives, (2) Chief Medical Executives, and (3) Chief Executive Officers.

II.**REPORT RE RECEIVER'S NURSE EXECUTIVES****A. Introduction**

The Nursing Executive Leadership Initiative is set forth in the Plan of Action. It will fulfill the Receiver's Career Executive Assignment ("RCEA") requirements. To begin to effectuate the Initiative, a new Nursing Executive civil services classification has been created in collaboration with the State Personnel Board ("SPB"). The Nursing Executive classification was approved by the SPB on October 22, 2007 and defines a set of minimum qualifications and requirements for all levels of Nursing Executives from the local institutions up through CDCR

1 headquarters. (See Exhibit 1.) Incumbents will be appointed on a two-year limited term civil
 2 service basis. Once they become permanent employees, they will be subjected to a one-year
 3 probation period. This executive classification will be piloted at the three regional levels and
 4 three institutions before extending to other institutions.

5 Nursing leadership is a critical prerequisite to the success of other initiatives aimed to
 6 improve the delivery of patient-centered care throughout the prison system. Because the State
 7 system did not have an appropriate job classification for the Director of Nursing at the local
 8 level, Supervising Registered Nurse (SRN) II/IIIs were given that job designation regardless of
 9 whether the particular SRN II/III had management experience. The Nursing Executive
 10 Leadership Initiative is designed to establish a patient-focused nursing infrastructure with job
 11 descriptions that have minimum qualifications designed to attract the most qualified Nursing
 12 Executive candidates from the health care industry.

13 The intent of the Initiative is to start by testing the process with the new Nurse Executive
 14 positions at the State level, regional level, and in three prisons. The pilot will test three key
 15 components:

- 16 1. The recruitment and retention of qualified Nurse Executives based on the new
 17 minimum job requirements;
- 18 2. The roles, responsibilities, and functions defined by the new Nursing Executive
 19 job descriptions; and
- 20 3. The most effective reporting mechanism [i.e., matrix reporting (dotted line) and
 21 direct reporting (solid line)] to ensure the optimal organization structural
 alignment to support the appropriate chains of command at the local facility while
 maintaining clinical accountabilities at all levels.

22 The pilot will also test a weighted scoring selection system and pay plan designed to
 23 determine the most appropriate salary range for various levels of Nursing Executives taking into
 24 consideration diverse attributes such as nursing education, credentials, and management
 25 experience.

26 The Nurse Executive leaders play a pivotal role in the Receiver's prison health care
 27 transformation efforts. The Nurse Executive Initiative aims to populate the current system with
 28 qualified nursing leaders who have the potential for functioning as change agents, by placing

1 them at all levels of the organization with. The qualified Nurse Executives will provide
 2 mentorship to local nursing teams and develop new, emerging nurse leaders. The pilot sites will
 3 also serve as future sites to mentor and train new Nurse Executives in a supportive culture.
 4 During the pilot, advertisements for these new positions will be posted internally and externally
 5 for qualified applicants.

6 **B. Progress to Date**

7 To date, the following steps have been taken toward adoption and implementation of the
 8 Receiver's Nurse Executive classification:

- 9 1. Since the adoption of the Receiver's Nurse Executive (Safety) classification by
 10 the SPB on October 22, 2007, a draft pay plan has been developed. This plan has
 been shared with the Department of Personnel Administration ("DPA").
- 11 2. A Request for Proposals has been issued regarding salary surveys to identify
 12 competitive market information that will lead to recommended upper and lower
 13 pay rates and will also attempt to validate the internal components of the pay
 14 proposal. When complete, a pay package proposal will be presented to DPA and
 the Office of the Receiver. The Receiver anticipates an award for this contract in
 January 2008.
- 15 3. The Office of the Receiver has begun to measure the effectiveness of the RCEA
 16 program, including the selection of an external evaluator. This effort is necessary
 17 because the new Nursing Executive classification is a cross-breed between civil
 18 service and private sector positions and there is no industry benchmark for
 19 quantitative metrics for this innovative role. The Receiver external evaluator will
 20 need to possess expertise with organizational development and human resources
 in order to provide objective re-evaluation. Other qualitative metrics will be
 explored and considered to measure the effectiveness of these new roles and
 reporting structures. For example, once the positions are filled for the pilot sites,
 the local and regional experience under the new leadership structure can be
 captured through regularly structured interviews. An employee survey tool will
 also be developed for field testing.

21 The following proposed list of metrics will be further evaluated by an external evaluation
 22 entity to ensure objective review and feedback:

- 23 1. Pilot facilities nursing management retention rate compared with non-pilot sites.
- 24 2. Pilot facilities nursing staff retention rate compared with non-pilot sites.
- 25 3. Document process of hiring and incorporating Nurse Executives as change agents
 26 into the prison health care and custody culture using structured interviews with
 27 open-ended questions directed to the Nurse Executive as well as the Nursing and
 28 Custody Support Services management and staff. Develop a prototype from the
 analysis of this information to implement the Nurse Executive program system-
 wide.

4. Employee survey of the pilot facilities (i.e., employee satisfaction survey instrument).

C. Next Steps

The following steps leading to adoption of the Receiver's Nurse Executive classification are anticipated to occur during the next 90 days and will be reported on in the Receiver's 180 day report:

1. Development of the selection "tests" for the Receiver's Nurse Executive classification. This process will be coordinated with the SPB. The SPB will automate the proposed tests and ensure that they will work in conjunction with the statewide examination and certification system.
2. Preliminary recruitment efforts. For example, the Receiver's Chief Nurse Executive will begin to market these new Nurse Executive positions at the Association of California Nurse Leaders Annual Conference on February 11, 2008 through February 13, 2008 and by attending other conferences which are yet to be determined.

III.

REPORT RE RECEIVER'S CHIEF MEDICAL EXECUTIVE

The Receiver's Chief Medical Executive classification is the second classification that will be developed under the auspices of the Order Re Receiver's Motion for Waiver of State Law. This broad classification encompasses assignments such as the Institution Chief of Medical Services, Regional Chief of Medical Services, and Statewide Chief of Medical Services. Incumbents in the new classification will be responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate and improve the quality and appropriateness of all medical care. They will also be responsible for continuous quality improvements and sustainable constitutional levels of medical care.

The Receiver's Chief Medical Executive classification specifications have been completed and will be considered for approval by the SPB at its scheduled January 2008 hearing. (See Exhibit 2). The class specifications include heightened managerial qualifications, and as with the Receiver's Nurse Executive classification, contain for the first time in State service an expansive list of required core competencies. Salary surveys will commence following the January 2008 hearing date.

IV.

REPORT RE RECEIVER'S CHIEF EXECUTIVE OFFICER

The Receiver's efforts concerning the Chief Executive Officer ("CEO") differ somewhat from the path taken for the Receiver's Nurse Executives and Receiver's Chief Medical Executives described above. An integrated and well-orchestrated prison health care delivery system is dependent on a single manager who must plan, organize and coordinate an overall delivery system by supervising healthcare program managers responsible for medical care, nursing care, mental health care and dental care by multidisciplinary personnel. The Receiver has, therefore, proposed a one-page agreement to the *Armstrong, Coleman, Perez and Plata* Courts. The agreement was discussed at the coordination meeting held on November 27, 2007.

Prior to that meeting, Linda Buzzini, the Receiver's staff attorney, met on two occasions with Robin Dezember, the CDCR Chief Deputy Secretary, Division of Correctional Health Care Services ("DCHCS"), in order to jointly fashion the proposed one-page agreement. The proposed one-page agreement provides for the Receiver to take the lead in developing the new CEO classification. It also provides for the Receiver and DCHCS's Deputy Secretary to jointly recruit, select, supervise, and evaluate the performance of individuals selected. A second draft of the one-page agreement and a draft of the new CEO class specification will be on the agenda for the January 2008 coordination meeting. The first drafts received favorable response at the November 27, 2007, meeting and the Receiver anticipates final agreement at the next coordination meeting. Thereafter, the new CEO classification will be presented to the *Armstrong, Coleman, Perez and Plata* Courts, to counsel for all parties, and eventually to the SPB for review and approval.

V.

CONCLUSION

The Office of the Receiver is making steady progress; however, legitimate coordination concerns and the need to work through existing State processes continue to have a negative impact on the anticipated implementation date for the RCEA pilots.

Dated: December 21, 2007

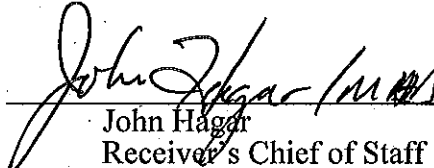
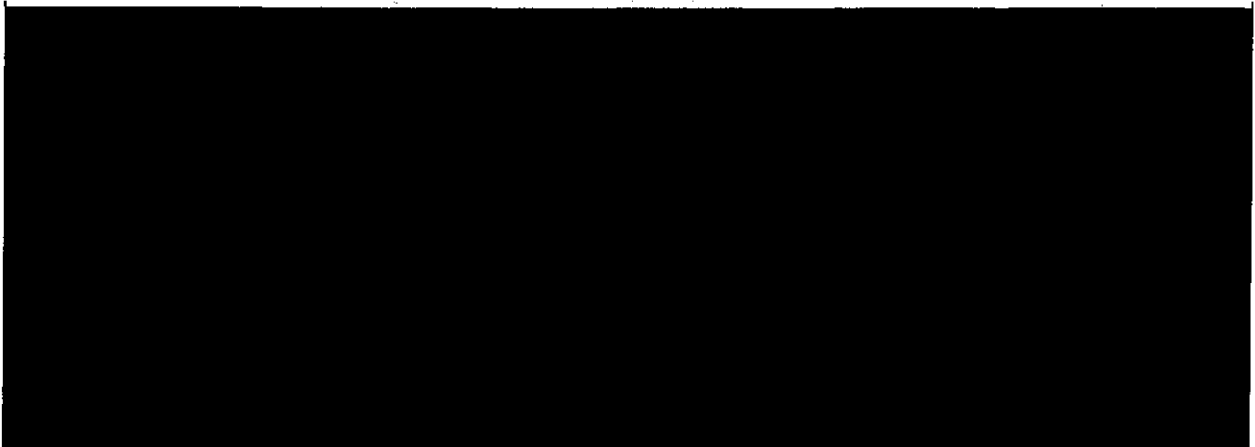

John Hager
Receiver's Chief of Staff

EXHIBIT 1



TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation
Plata Support Division
California Department of Corrections and Rehabilitation

SUBJECT: Proposed establishment of a new safety classification, Receiver's Nurse Executive (Safety), with a one year probationary period.

REASON FOR HEARING:

Federal Court Receiver Robert Sillen requests the establishment of a classification entitled Receiver's Nurse Executive (Safety) in order to create a nursing management structure within the California Department of Corrections and Rehabilitation's adult institutions. This classification will be utilized in institutional, regional and statewide settings. The purpose of this hearing is to provide an opportunity for interested parties to share any concerns or issues with the five-Member Board.

CONSULTED WITH:

Suzanne Ambrose, State Personnel Board
Mary Fernandez, State Personnel Board
Carol Ong, State Personnel Board
Mike Strazzo, State Personnel Board
Daphne Baldwin, State Personnel Board
Elise Rose, State Personnel Board
Betsy Chang Ha, California Prison Healthcare Receivership

BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical health care delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

"...to control, oversee, supervise and direct all administrative, personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR."



(Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:

"...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system." (Order Appointing Receiver, lines 4-7)

Among the Receiver's specified powers are:

"...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care." (Order Appointing Receiver, p.4, lines 13-17)

The Order also empowers the Receiver to:

"...establish personnel policies and to create, abolish or transfer positions related to the delivery of medical health care to class members."

On July 3, 2007, an Order Re Receiver's Motion for Waiver of State Law re Receiver's Career Executive Assignments was issued, which recognized that:

"...the lack of medical leadership has...profound consequences for the delivery of medical care...[and] remedying the unconstitutional medical conditions within CDCR will necessarily require the infusion of new medical care executives/administrators who are well qualified and committed to revamping the current dysfunctional system and establish a culture of competence and professionalism." (Order Re Receiver's Motion Re...Receiver Career Executive Assignments, p.5, lines 16-20)

"...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service."

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon "a mechanism for hiring medical health care executives/administrators for the CDCR" consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

The Receiver's Nurse Executive (Safety) classification is the first classification to be developed under the auspices of this order. This broad class encompasses assignments as the Institution Chief of Nursing Services, the Regional Chief of Nursing Services and the Statewide Chief of Nursing Services.

Incumbents in this class direct the development and implementation of nursing policies, staffing plans, training and educational programs, and formulate and make or recommend decisions regarding budgetary matters.

The classification includes minimum education, licensure and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and core competencies identified by subject matter experts as essential to successful job performance.

SAFETY DESIGNATION:

The Receiver's Nurse Executive (Safety) is proposed as a "Safety" classification as all incumbents will have regular, personal contact with inmates and will be charged with the responsibility to prevent escapes and injury by inmates to themselves, others, or to property; maintain security of working areas and work materials, inspect premises and search inmates for weapons or illegal drugs.

PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education, experience, and licensure requirements. Possession of core competencies will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and desirable qualifications based examination may be appointed to various types and levels of assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."



RECOMMENDATION:

That the classification of Receiver's Nurse Executive (Safety) be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective October 22, 2007; and, that the classification have a twelve month probationary period.

CALIFORNIA STATE PERSONNEL BOARD SPECIFICATION

Schematic Code: TN05
Class Code: 8241
Established:
Revised: --
Title Changed: --

RECEIVER'S NURSE EXECUTIVE (SAFETY)

SCOPE

This specification describes nurse executive positions with comprehensive management responsibility for delivery of nursing patient care. All positions allocated to this classification are responsible for maintaining order and supervising the conduct of inmates; maintaining the safety of persons and property; preventing escape of persons committed to adult institutions of the California Department of Corrections and Rehabilitation and preventing injury by such persons to themselves or others or to property; maintaining security of working areas and work materials; and inspecting premises and searching inmates for weapons or illegal drugs.

DEFINITION OF CLASSIFICATION

Each position allocated to this classification manages professional nursing services within the California Department of Corrections and Rehabilitation, and is responsible for comprehensive nursing care services being delivered 24-hours per day and 7 days per week in California Department of Corrections and Rehabilitation adult institutions. Incumbents are responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate, and improve the quality and appropriateness of all nursing care. Incumbents are responsible for continuous quality improvements and sustainable constitutional levels of nursing care. Incumbents ensure nursing services are well-functioning and that the timely delivery of patient care is available to all patients in accordance with appropriate standards of nursing care. Incumbents direct the development, and assist with the development of nursing policies, procedures, and protocols. Incumbents direct the development, implementation of nursing services staffing plan policies. Incumbents assess nursing professional training and orientation needs; and, participate in the development of orientation and education programs to promote staff development policies. Incumbents identify problems and implement solutions for operational and organizational issues pertaining to nursing. Incumbents formulate and assist with the formulation of operational and capital budgets, and make decisions or effectively recommend a course of action with regard to management of the nursing budget.

MINIMUM QUALIFICATIONS

Possession of a current and unencumbered license as a registered nurse in California. (Applicants who do not meet this requirement will be admitted to the examination, but they must secure the required license before they will be considered eligible for appointment.)

and

A Bachelors of Science in nursing or health services administration or a related field. (Additional qualifying experience performing a full range of duties as a nursing supervisor in a health care organization/facility with 20 or more full-time subordinate nurses, may be substituted for the required education on a year-for-year basis.)

and

Five years of clinical nursing experience in a comprehensive medical setting, at least three years of which must have been in an administrative or supervisory capacity in a health care organization/facility with 20 or more full-time subordinate nurses.

ADDITIONAL DESIRABLE QUALIFICATIONS

Clinical nursing experience in a correctional facility; Masters Degree in nursing or other health care related field; Basic Care Life Support certification; Advanced Care Life Support certification; and experience in health care system and program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws, and regulations of the field. Has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation. Uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products. Handles the most challenging tasks requiring technical expertise.

Customer focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers at the individual, group, or organizational level. Explores options and pursues solutions until customers are satisfied. Is responsive, pleasant, and professional. Looks at the organization and its services from the customer's point of view. Seeks and uses customer feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful. Helps team members who need or ask for support or assistance. Puts team results ahead of personal success. Brings out the best in others on the team. Shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making. Supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit. Involves employees in setting their performance goals. Ensures employees have the means and skills to accomplish their goals. Tracks and measures individual and unit performance. Provides ongoing feedback. Treats all employees in an objective and consistent manner. Intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best. Ensures that clear, challenging and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department. Ensures that the importance and benefits of goals and methods are understood and accepted by those who will carry them out. Conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal. Recognizes and addresses the interdependencies of activities and resources. Clarifies roles and responsibilities. Anticipates problems and mitigates risks. Produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization. Knows whose support is needed to cut red tape. Gets things done through formal channels and informal networks. Maintains good working relationships with key players throughout the organization. Aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow. Benchmarks best practices in the industry. Knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback. Knows how to identify process problems and opportunities for improvement and simplification. Leverages technology.

Developing others: Coaches others regardless of performance level.

Shows insight into causes of poor performance and how performance can be improved. Shares knowledge and expertise willingly. Offers ongoing feedback, suggestions, and encouragement. Acknowledges progress and growth. Supports others' career development plans.

Managing change: Understands the dynamics of organizational change. Knows and guides the planning, process changes, role redefinition, retraining, incentive and communication steps in transitioning from one organizational state to another. Involves key stakeholders in planning and decision making. Maintains a high level of communication about the reasons, benefits, opportunities and difficulties of change. Encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead. Understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing. Keeps an eye on the big picture and long-range possibilities and implications. Makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; possess a sympathetic and objective understanding regarding the problems of inmate-patients; and, be tactful and patient.

SPECIAL PHYSICAL CHARACTERISTICS

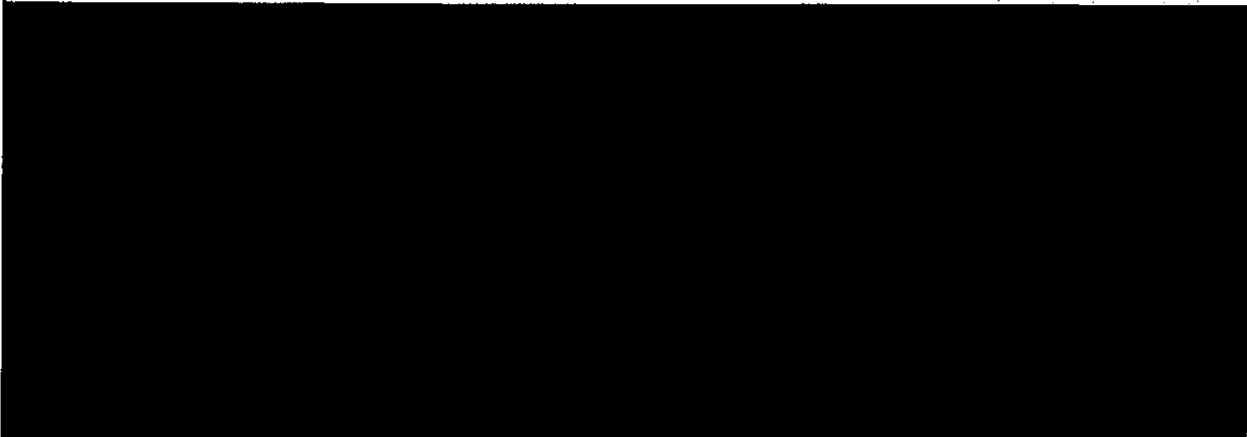
Incumbents must possess and maintain sufficient strength, agility and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, inmates or the public.

ASSIGNMENT DESCRIPTIONS WITHIN THE CLASSIFICATION

INSTITUTION CHIEF OF NURSING SERVICES

Incumbents in these positions are the highest ranking nurse manager within a Department of Corrections and Rehabilitation adult institution. Incumbents report directly to the institution healthcare Chief Executive Officer (aka Health Care Manager) and receive functional supervision from the Regional Director of Nursing Services insofar as it pertains to nursing standards, procedures, protocols and policies.

Directs all nursing activity within the institution and ensures compassionate, safe, effective, timely, efficient and equitable



patient-centered care in conjunction with other health care discipline managers, and in coordination with custody. Develops and maintains a competent nursing team to deliver evidence-based patient-centered care. Develops and implements clear and realistic performance expectations, issues letters of instruction and counseling memoranda, effectively recommends formal disciplinary action to the institution Chief Executive Officer, and upon delegation from the Chief Executive Officer takes disciplinary action.

REGIONAL CHIEF OF NURSING SERVICES

Under the direct supervision of the Regional Health Care Program Administrator, and the functional supervision of the Statewide Chief of Nursing Services, coordinates all patient care services within a region spanning multiple institutions within the California Department of Corrections and Rehabilitation adult institutions, and ensures that nursing practices comply with appropriate professional standards. Ensures institutions within the region have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Institution Chiefs of Nursing Services within the region insofar as it pertains to nursing standards, procedures, protocols and policies. Participates in the selection of the Institution Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers. Develops and monitors nursing performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the region. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution Chiefs of Nursing Services, institution Chief Executive Officers and Regional Healthcare Program Administrators (aka Regional Administrators).

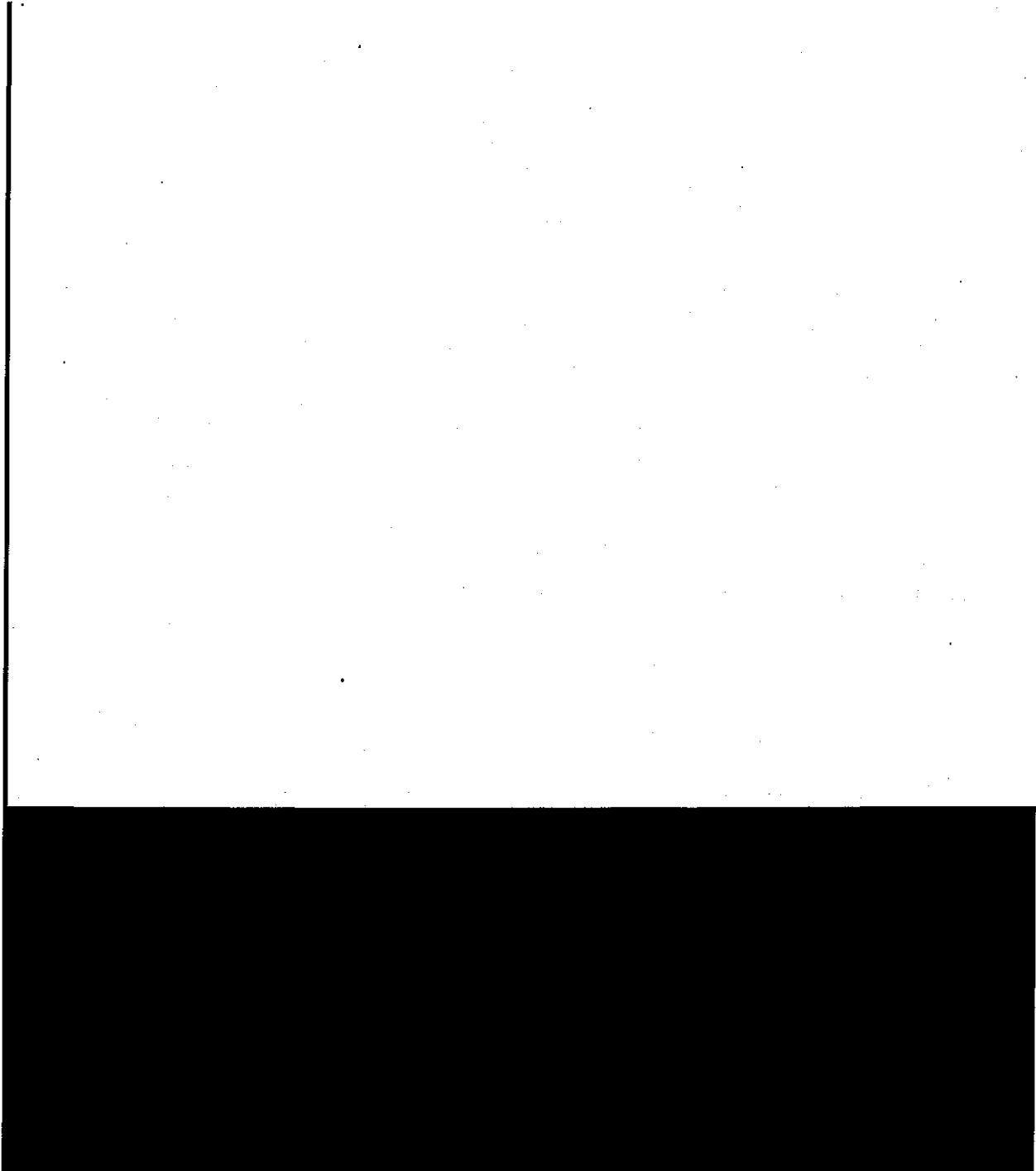
STATEWIDE CHIEF OF NURSING SERVICES

Under the direct supervision of the federal court Receiver (or designee), coordinates all nursing services on a statewide basis within the California Department of Corrections and Rehabilitation adult institutions. Ensures that nursing professional practices comply with appropriate standards to deliver evidence-based patient-centered care. Ensures institutions statewide have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Regional Chiefs of Nursing Services insofar as it pertains to nursing standards, procedures, protocols and policies. Participates in the selection of the Institution and Regional Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers and Regional Healthcare Program Administrators. Develops and monitors nursing

performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the state. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution and Regional Chiefs of Nursing Services, Institution Chief Executive Officers and Regional Healthcare Program Administrators.



EXHIBIT 2



TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation
Plata Support Division
California Department of Corrections and Rehabilitation

SUBJECT: Proposed establishment of a new safety classification, Receiver's Medical Executive (Safety), with a one year probationary period.

REASON FOR HEARING:

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CONSULTED WITH:

Suzanne Ambrose, State Personnel Board
Mary Fernandez, State Personnel Board
Carol Ong, State Personnel Board
Mike Strazzo, State Personnel Board
Daphne Baldwin, State Personnel Board
Elise Rose, State Personnel Board
Dr. Terry Hill, California Prison Healthcare Receivership
Dr. Dwight Winslow, California Department of Corrections and Rehabilitation

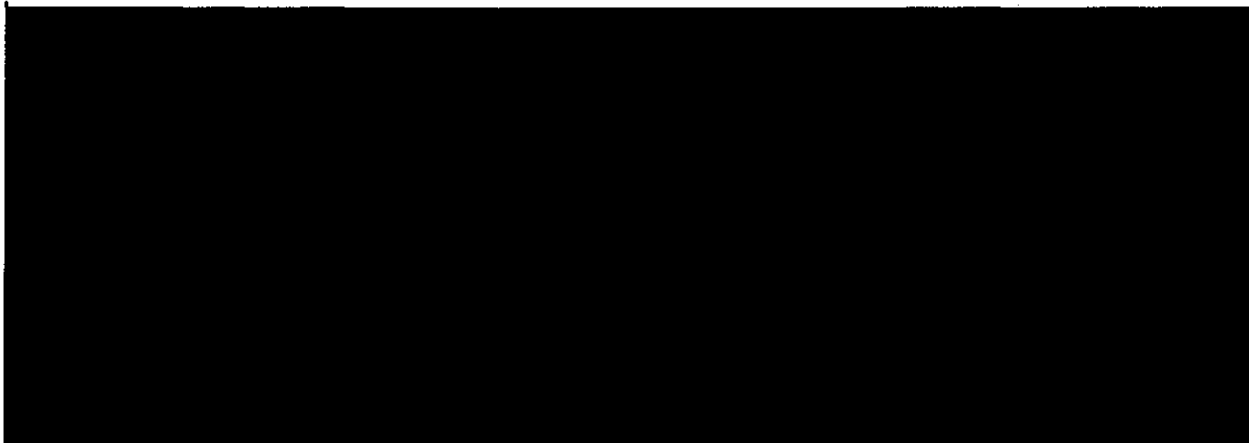
BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical health care delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

"...to control, oversee, supervise and direct all administrative,



personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR." (Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:

"...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system." (Order Appointing Receiver, lines 4-7)

Among the Receiver's specified powers are:

"...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care." (Order Appointing Receiver, p.4, lines 13-17)

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"...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service."

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon "a mechanism for hiring medical health care executives/administrators for the CDCR" consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

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The classification includes minimum education, licensure and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and core competencies identified by subject matter experts as essential to successful job performance.

SAFETY DESIGNATION:

The Receiver's Medical Executive (Safety) is proposed as a "Safety" classification as all incumbents will have regular and substantial contact with inmates including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations. The large majority of positions currently allocated to the class of Chief Medical Officer (designated as a safety class) could be considered for reallocation to the new class of Receiver's Medical Executive (Safety).

PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education, experience, and licensure requirements. Possession of core

competencies will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and desirable qualifications based examination may be appointed to various types and levels of assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."

RECOMMENDATION:

That the classification of Receiver's Medical Executive (Safety) be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective January 7, 2007.



SPECIFICATION**RECEIVER'S MEDICAL EXECUTIVE (SAFETY)****SCOPE**

This specification describes medical executive positions with comprehensive management responsibility for delivery of medical patient care. Positions allocated to this classification have regular and substantial contact with inmates, including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations.

DEFINITION OF CLASSIFICATION

Each position allocated to this classification manages medical care services within the California Department of Corrections and Rehabilitation and is responsible for comprehensive medical care services being delivered 24-hours per day and 7 days per week in California Department of Corrections and Rehabilitation adult institutions. Incumbents are responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate and improve the quality and appropriateness of all medical care. Incumbents are responsible for continuous quality improvements and sustainable constitutional levels of medical care. Incumbents ensure that medical services are well-functioning and that the timely delivery of patient care is available to all patients in accordance with appropriate standards of care. Incumbents direct and assist with the development of medical policies, procedures and protocols. Incumbents direct the development and implementation of medical services staffing plans. Incumbents assess provider professional orientation and education needs and participate in the development of orientation and education programs to promote staff development. Incumbents identify problems and implement solutions for operational and organizational issues pertaining to providers and the delivery of medical care. Incumbents formulate and assist with the formulation of operational and capital budgets, and make decisions or effectively recommend a course of action with regard to management of the medical budget.

MINIMUM QUALIFICATIONS

Possession of a current and unencumbered license as a physician in California (Applicants who do not meet this requirement will be

admitted to the examination, but they must secure the required license before they will be considered eligible for appointment); and Board certification recognized by the American Board of Medical Specialties

and

Five years of clinical experience in a comprehensive medical setting, at least two years of which must have been over a defined medical program with full authority to hire, evaluate, conduct quality reviews, and have responsibility for practical practice development and discipline.

ADDITIONAL DESIRABLE QUALIFICATIONS

Clinical experience in a correctional facility; and experience in health care system and program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws and regulations of the field. Has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation. Uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products. Handles the most challenging tasks requiring technical expertise.

Customer and patient focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers and patients at the individual, group, or organizational level. Explores options and pursues solutions to resolve issues of customers or patients. Is responsive, pleasant, and professional. Looks at the organization and its services from the customer's and patient's point of view. Seeks and uses customer and patient feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful. Helps team members who need or ask for support or assistance. Puts team results ahead of personal success. Brings out the best in others on the team. Shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making. Supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit. Involves employees in setting their performance goals. Ensures employees have the means and skills to accomplish their goals. Tracks and measures individual and unit

performance. Provides ongoing feedback. Treats all employees in an objective and consistent manner. Intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best. Ensures that clear, challenging and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department. Ensures that the importance and benefits of goals and methods are understood and accepted by those who will carry them out. Conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal. Recognizes and addresses the interdependencies of activities and resources. Clarifies roles and responsibilities. Anticipates problems and mitigates risks. Produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization. Knows whose support is needed to cut red tape. Gets things done through formal channels and informal networks. Maintains good working relationships with key players throughout the organization. Aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow. Benchmarks best practices in the industry. Knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback. Knows how to identify process problems and opportunities for improvement and simplification. Leverages technology.

Developing others: Coaches others regardless of performance level. Shows insight into causes of poor performance and how performance can be improved. Shares knowledge and expertise willingly. Offers ongoing feedback, suggestions, and encouragement. Acknowledges progress and growth. Supports others' career development plans.

Managing change: Understands the dynamics of organizational change. Knows and guides the planning, process changes, role redefinition, retraining, incentive and communication steps in transitioning from one organizational state to another. Involves key stakeholders in planning and decision making. Maintains a high level of communication about the reasons, benefits, opportunities and difficulties of change. Encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead. Understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing. Keeps

an eye on the big picture and long-range possibilities and implications. Makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

Assessing Talent: Understands and recognizes the qualities that differentiate highly successful employees from the average ones. Is an astute observer of others' performance. Shows skill in asking questions and eliciting detailed and accurate information regarding others' capabilities and weaknesses. Reaches well-articulated conclusions regarding others' strengths and developmental needs.

Relationship Building: Develops and maintains work relationships and continuously works to improve relationships, contacts, and network. Maintains an open and approachable manner and easily builds rapport with others. Respects others regardless of differences in interest, perspectives, background, and organizational level. Treats others sensitively, fairly, and consistently.

Negotiating: Gains rapport and trust from other parties. Works from a strong knowledge base. Wins concessions from others. Seeks mutually agreeable trade-offs in deal-making. Questions and counters others' proposals without damaging relations. Holds ground appropriately; knows how to walk away amicably with the best deal possible.

Handling Conflict: Deals with interpersonally and/or politically challenging situations calmly and diplomatically, diffusing tension. Thoughtfully intervenes in conflicts to facilitate communication and resolve problems, finding common ground when possible. Handles complaints and disputes with composure and tact.

Oral Communication: Uses correct vocabulary and grammar. Presents information clearly and in an organized manner. Gets to the point. Questions others skillfully. Recognizes non-verbal cues in listeners and adjusts speech and tone accordingly. Adjusts word choice according to the audience and purpose. Uses tone, inflection, pauses, and body language for increased impact.

SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; possess a sympathetic and objective understanding regarding the problems of inmate-patients; and be tactful and patient.

SPECIAL PHYSICAL CHARACTERISTICS

Incumbents must possess and maintain sufficient strength, agility and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, forensic clients, patients, inmates or the public.

ASSIGNMENT DESCRIPTIONS WITHIN THE CLASSIFICATIONInstitution Chief of Medical Services

Positions assigned to this level are the highest ranking medical manager within a Department of Corrections and Rehabilitation adult institution. Incumbents report directly to the institution healthcare Chief Executive Officer (aka Health Care Manager) and receive functional supervision from the Regional Director of Medical Services insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof.

Directs all provider activity within the institution and ensures compassionate, safe, effective, timely, efficient and equitable patient-centered care in conjunction with other health care discipline managers, and in coordination with custody. Develops and maintains a competent provider team to deliver evidence-based, patient-centered care. Develops and implements clear and realistic performance expectations, issues letters of instruction and counseling memoranda, effectively recommends formal disciplinary action to the institution Chief Executive Officer, and upon delegation from the Chief Executive Officer, takes disciplinary action.

Regional Chief of Medical Services

Under the direct supervision of the Regional Health Care Program Administrator and the functional supervision of the Statewide Chief of Medical Services, coordinates all medical services within a region spanning multiple institutions within the California Department of Corrections and Rehabilitation adult institutions, and ensures that medical practices comply with appropriate professional standards. Ensures institutions within the region have implemented an effective system that certifies competence to perform provider duties, including primary care and urgent/emergency care. Supervises providers assigned to Regional Offices for purposes of quality monitoring and improvement, program development, and program implementation. Functionally supervises the Institution Chiefs of Medical Services within the region insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof. Participates in the selection of the Institution Chiefs of Medical Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers. Develops and monitors provider performance expectations; performs competency assessments; mentors and coaches provider personnel throughout the region. Assists in evaluating provider staff and effectively recommends corrective and adverse action to Institution Chiefs of Medical Services, institution Chief Executive Officers and Regional Healthcare Program Administrators (aka Regional Administrators).

Statewide Chief of Medical Services

Under the direct supervision of the federal court Receiver (or designee), coordinates all medical services on a statewide basis within the California Department of Corrections and Rehabilitation adult institutions. Ensures that medical practices comply with appropriate standards to deliver evidence-based, patient-centered care. Ensures institutions statewide have implemented an effective system that certifies competence to perform provider duties, including primary care and urgent/emergency care. Functionally supervises the Regional Chiefs of Medical Services insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof. Participates in the selection of the Institution and Regional Chiefs of Medical Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers and Regional Healthcare Program Administrators. Develops and monitors provider performance expectations; performs competency assessments; mentors and coaches provider personnel throughout the state. Assists in evaluating provider staff and effectively recommends corrective and adverse action to Institution and Regional Chiefs of Medical Services, Institution Chief Executive Officers and Regional Healthcare Program Administrators.